



ENTERED PURSUANT TO ADMINISTRATIVE ORDER NO. 16-04.  
TERESA D. UNDERWOOD, CLERK OF BANKRUPTCY COURT

BY: /s/ Mary Knotts  
Deputy Clerk

Dated: 12:56 PM July 2 2018

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|  |   |                                       |
|--|---|---------------------------------------|
| IN RE                                    | ) | CASE NO. <b>16-51552</b>              |
|  | ) |                                       |
| CH Liquidation Association               | ) | CHAPTER 11                            |
|  | ) |                                       |
| DEBTOR(S).                               | ) | ADVERSARY PROCEEDING <b>18-5038</b>   |
|  | ) |                                       |
| <b>Joseph Oriti, Liquidation Trustee</b> | ) | <b>HONORABLE ALAN M. KOSCHIK</b>      |
|  | ) | <b>UNITED STATES BANKRUPTCY JUDGE</b> |
| PLAINTIFF(S),                            | ) |                                       |
|  | ) |                                       |
| <b>v.</b>                                | ) |                                       |
| <b>Blue &amp; Co., LLC</b>               | ) |                                       |
|  | ) |                                       |
| DEFENDANT(S).                            | ) |                                       |

**PRETRIAL ORDER**

A pretrial hearing is set for the **9th day of August, 2018 at 2:00 PM** in Room 240, U.S. Courthouse Federal Building, Two S. Main St., Akron, Ohio 44308.

Failure of counsel or any unrepresented party to appear at any scheduled pretrial hearing or otherwise to comply with the provisions of this Order, or any Pretrial Order entered by this Court, may result in dismissal or default as may be appropriate.

Prior to the initial pretrial hearing, counsel for represented parties and all unrepresented parties that have appeared in this adversary proceeding are jointly responsible for arranging a conference to

discuss the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the adversary proceeding, and to develop a proposed discovery plan. Following the conference, Plaintiff's counsel shall complete and submit a Pretrial Worksheet that contains, at a minimum, the information requested below, to the Court at [AMK-Pretrials@ohnb.uscourts.gov](mailto:AMK-Pretrials@ohnb.uscourts.gov) by no later than **12:00 p.m. noon** on the day preceding the initial pretrial hearing. Plaintiff's counsel shall ensure that all counsel of record and unrepresented parties have received a copy of the Pretrial Worksheet.

The Court urges counsel to be as efficient as possible in the administration and prosecution of this adversary proceeding. To that end, the Court permits and encourages telephonic communication between the parties. Unless otherwise ordered, the Court shall permit telephonic participation in all pretrial conferences held except for final pretrial conference, if one is scheduled. However, counsel must notify the judge's chambers **no later than noon of the business day preceding** the scheduled pretrial conference of their request to appear telephonically and to inform the Court of the telephone number at which they can be reached.

**THE PRETRIAL WORKSHEET SHALL INCLUDE THE FOLLOWING INFORMATION:**

**Adversary Proceeding Case Number:** \_\_\_\_\_

**Date/Time of Initial Pretrial Hearing:** \_\_\_\_\_

**Parties to the Adversary Proceeding:** \_\_\_\_\_

To aid in the facilitation of telephonic communication between the parties and telephonic communication with the Court during pretrial conferences the Pretrial Worksheet shall include the number at which counsel can be reached directly:

**Plaintiff's counsel:** \_\_\_\_\_

**Defendant's counsel:** \_\_\_\_\_

**Discovery:** Counsel should discuss the type of discovery required and the respective timeframes to complete all necessary discovery in this proceeding.

**Nature of necessary discovery:** \_\_\_\_\_

**Suggested deadline for completion of all discovery:** \_\_\_\_\_

**Dispositive Motions:** In order to promote the efficient development of an accurate and appropriate record, with the exception of Rule 12(b)(1) or 12(b)(6), motions that are filed in lieu of an answer, Counsel are required to obtain the Court's permission prior to filing any dispositive motions, including motions for summary judgment and/or motions for judgment on the pleadings. Such permission will be granted for good cause shown.

**Future motions counsel anticipates filing:** \_\_\_\_\_

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**Stipulations:** At the close of discovery, the Court requires counsel to file jointly a list of all facts and legal conclusions that are not in dispute in this adversary proceeding that can be the subject of stipulations, including identifying all documents either party intends to introduce as an exhibit and to which the parties agree are authentic. These stipulations will generally be due

approximately two weeks after the close of discovery.

**Alternative Dispute Resolution:** The Court supports counsel's efforts to resolve matters through the use of alternative dispute resolution. If all parties to the adversary proceeding are interested in pursuing some form of alternative dispute resolution, counsel shall jointly contact Judge Koschik's chambers to assist in that process.

**Miscellaneous:** At the initial pretrial hearing, counsel shall be prepared discuss the following:

1. Dismissal of unnecessary parties;
2. Stipulation to facts and authenticity of documents and other exhibits not in dispute;
3. The deadline for amending pleadings or joining additional parties;
4. The scope of anticipated discovery;
5. Whether expert testimony is anticipated and, if so, deadlines concerning the identification of experts, the deadline for exchange or delivery of expert reports, and the deadline for deposing experts;
6. The likelihood that some or all of the action may be resolved by dispositive motions; and
7. Fully explore and be authorized to conclude settlement.

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